

A. DONALD McEACHIN

4TH DISTRICT, VIRGINIA

WASHINGTON OFFICE
314 CANNON HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
(202) 225-6365

RICHMOND DISTRICT OFFICE
110 N. ROBINSON ST. SUITE 401
RICHMOND, VIRGINIA 23220
(804) 486-1840



Congress of the United States
House of Representatives
Washington, DC 20515-4604

COMMITTEE ON NATURAL RESOURCES
OVERSIGHT AND INVESTIGATIONS (RANKING MEMBER)
FEDERAL LANDS
COMMITTEE ON ARMED SERVICES
SEA POWER AND PROJECTION FORCES
READINESS
FRANKING COMMISSION

November 2, 2017

The Honorable Betsy DeVos
Secretary
United States Department of Education
400 Maryland Avenue SW
Washington, D.C. 20202

Secretary DeVos,

I want to bring to your attention recent news reports of civil rights violations at schools in and around my congressional district. These reports suggest that school districts in Virginia are failing to fully protect students' civil rights — particularly when those students belong to a racial minority group. I urge the Department of Education ("Department") to consider these events and similar incidents across the country as it works to uphold the law and enforce bedrock protections.

I remain profoundly alarmed by disproportionately high suspension rates for African-American students and students with disabilities in public schools. As you know, the use of exclusionary discipline practices has severely adverse effects on student outcomes. Every child deserves to be treated equally and fairly; disparate treatment of any group is unacceptable.

Enclosed is an article dated October 17, 2017 from *The Richmond Times-Dispatch*. The article provides more evidence of what is already known;¹ public schools in Virginia continue to suspend and expel minority students and students with disabilities at shockingly disproportionate rates in comparison with their same-aged peers. The article reports that

[b]lack students in Virginia were suspended about four times as much as Hispanic and white students in 2015-16, according to a report released Tuesday... The report also found that students with disabilities were suspended about three times as often compared with nondisabled students. A black male student with a disability was about 20 times more likely to be suspended than a white female student who did not have a disability, according to the report.

Earlier this year, I sent you letters requesting a formal investigation into documented disparities in student treatment in the schools of Virginia's Fourth Congressional District. In response, the Office of Civil Rights (OCR) reported that these serious issues were being examined, and that multiple investigations were underway. In a subsequent letter to Acting Assistant Secretary Candice Jackson, I requested that OCR keep me closely apprised of the status, progress, and results of these investigations, and that the findings be formally shared with me and the members of the Fourth Congressional District's Education Taskforce. I was pleased to receive a response from Ms. Jackson, dated September 19, confirming that OCR would meet these requests, and I look forward to receiving these important updates.

¹ Mattingly, Justin. "Black, disabled students disproportionately suspended in Virginia, report says." *Richmond Times-Dispatch*, 17 Oct. 2017, www.richmond.com/news/local/education/black-disabled-students-disproportionately-suspended-in-virginia-report-says/article_6782bd6d-ca48-5024-818b-d686c8b18732.html?utm_source=RTD Email.

I am also profoundly alarmed by recent reports of racially-charged events in public schools. Last month, a video surfaced showing members of a middle school football team from a school just outside my district engaged in clearly unacceptable behavior.² Enclosed is an article on this issue dated October 20, 2017, again from *The Richmond Times-Dispatch*. The article reports that

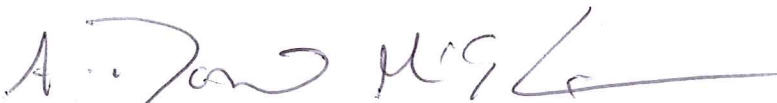
[t]he video in question, which was posted on Snapchat, showed black students being straddled by their peers in a video overlayed with racially charged language.

The actions and language displayed in the video are disturbing. The local school district has a clear responsibility to prevent similar incidents in the future; as you know, the Department has a responsibility to help school districts in such efforts, and to hold them accountable if they fail to appropriately respond. More must be done to ensure that all facets of our public schools remain safe and inclusive learning environments for students.

Both of the enclosed articles illustrate the kind of civil rights violations that occur across our country. Your Department has either rolled back or heavily criticized many regulations originally intended to protect those rights. For instance, you recently rescinded seventy-two guidance documents relating to students' rights under the Rehabilitation and Individuals with Disabilities in Education Acts — and did so in a way that caused great confusion among advocates for those students. Moving forward, I urge you to maintain and fully implement important Obama-era regulations, such as the Equity in IDEA regulations regarding significant disproportionality, and to continue your predecessors' aggressive efforts to protect public school students' civil rights.

I appreciate your consideration of these critical issues adversely impacting our young people.

Sincerely,

A handwritten signature in purple ink, appearing to read "A. Donald McEachin".

A. Donald McEachin
Member of Congress, VA-04

² O'Connor, Michael. "Football Season Canceled for Short Pump Middle School after Disturbing Locker Room Video." *Richmond Times-Dispatch*, 20 Oct. 2017, www.richmond.com/news/local/henrico/football-season-canceled-for-short-pump-middle-school-after-disturbing/article_33cdb41a-406d-5894-bbc9-1037f7fb8cde.html.